



2026:CGHC:15112



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 904 of 2026

XYZ NILL

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Station House Officer, Police Station, Kunkuri, District- Jashpur (C.G.)

2 - Amrit Tirkey S/o Uchit Tirkey Aged About 34 Years Caste- Oraon, Resident Of Village- Lchkela, Police Station- Jashpur, District- Jashpur (C.G.)

---- **Respondent(s)**

For Petitioner	:	Mr. Jitendra K. Saxena, Advocate.
For Respondent/State	:	Mr. Nitansh Jaiswal, Dy. Govt. Adv.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

01.04.2026

1. Heard Mr. Jitendra K. Saxena, learned counsel for the petitioner.
Also heard Mr. Nitansh Jaiswal, learned Deputy Government Advocate, appearing for respondent/State.
2. The present petition is for cancellation of anticipatory bail granted to



the respondent No. 2 namely Amrit Tirkey, as he was enlarged on anticipatory bail by order dated 22.01.2026 in MCRCA No. 127 of 2026.

3. The respondent Nos. 2 had preferred anticipatory Bail Application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of anticipatory bail, in connection with Crime No. 08/2026, registered at Police Station - Kunkuri, District – Jashpur (C.G.) for the offences punishable under Sections 376(2)(n), 366, 420 of the IPC.
4. Learned counsel for the applicant/victim respectfully submits that the applicant is an old and helpless widow lady, whose husband passed away in the year 2015 and since then she has been surviving in extremely difficult and pathetic financial circumstances. It is submitted that taking undue advantage of her vulnerable condition, the respondent No. 2 established contact with the applicant and repeatedly lured her with false promises of marriage. On 09.03.2021, the respondent No. 2 visited the residence of the applicant and on the pretext of marriage, committed sexual intercourse with her against her will and thereafter continued to exploit her on multiple occasions on the same false assurance. It is further submitted that the respondent No. 2 deceitfully obtained a sum of Rs. 1,00,000/- from the applicant and also induced her to transfer her land in his favour. Despite repeated requests made by the applicant for solemnization of marriage, the respondent No. 2 deliberately avoided the same and continued to mislead her with empty assurances, with an intention to keep her as a concubine.



5. It is further submitted that on the basis of the complaint lodged by the victim/applicant, offences under Sections 376(2)(n), 366 and 420 of the IPC have been registered against the respondent No. 2. It is also submitted that the respondent No. 2 initially sought relief under Section 482 of the B.N.S.S. before the trial Court, which came to be rejected and thereafter he preferred an application for anticipatory bail before this Court, which was allowed on 22.01.2026. However, it is most respectfully submitted that after being enlarged on bail, the respondent No. 2 has grossly misused the liberty granted to him and has been continuously threatening and intimidating the applicant through mobile calls, pressurizing her to withdraw the case and enter into a compromise, failing which she has been threatened with dire consequences. It is further submitted that such conduct of the respondent No. 2 is in clear and flagrant violation of the conditions imposed by this Court while granting anticipatory bail, particularly the condition restraining him from making any inducement, threat or promise to any person acquainted with the facts of the case and from acting in any manner prejudicial to a fair trial. The repeated acts of intimidation and coercion not only undermine the administration of justice but also create a grave apprehension in the mind of the applicant regarding her safety and security. It is submitted that the respondent No. 2, being a Constable in the Home (Police) Department, is in a position of authority and influence and there exists a real and imminent threat to the life and liberty of the applicant, who is a poor and defenseless widow. In view of the aforesaid facts and



circumstances, it is humbly prayed that this Court may be pleased to cancel the anticipatory bail granted to the respondent No. 2, as he has misused the liberty granted to him and has violated the conditions of the bail order, thereby rendering himself undeserving of the concession of bail in the interest of justice.

6. On the other hand, learned counsel appearing for the respondent/State opposes the prayer of the instant petition filed by the petitioner. It is submitted that this Court has granted anticipatory bail to the respondents No. 2 vide order dated 22.01.2026 in MCRCA No. 127/2026 and there appears to be no any infirmity and jurisdictional error while passing the same. Therefore, the application is completely frivolous and deserves to be rejected.
7. Heard learned counsel for the respective parties. Perused the order of this Court granting anticipatory bail to the accused person dated 22.01.2026 in MCRCA No. 127/2026.
8. From the perusal of entire records of this petition and the documents do not suggest that the petitioner is able to project any valid reason for cancellation of bail with respect to the touchstone of principle laid down by the Supreme Court. The Hon'ble Supreme Court in its order dated **20.02.2025** passed in ***Criminal Appeal No. 861/2025 [Kailash Kumar vs. State of Himachal Pradesh and Anr.]*** while setting aside a High Court ruling cancelling bail of an accused, has observed here as under:

"Suffice to observe, liberty of an individual being a precious right under the Constitution, the Courts ought



to be wary that such liberty is not lightly interfered. We are satisfied that there was no valid reason for the High Court to cancel the bail without there being any material to show, even prima facie, that conduct of the appellant post grant of bail has been such that he should be deprived of his liberty. There are also no allegations of influence being exerted or threat extended to the witnesses or of tampering the evidence. Material to demonstrate that dilatory tactics have been adopted to procrastinate the trial is also conspicuous by its absence.,”

It is settled principle that very cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail already granted.

9. Upon careful consideration of the submissions advanced and the material available on record, this Court finds that the anticipatory bail was granted to respondent No. 2 after due application of judicial mind and subject to specific conditions. The allegations made by the applicant regarding threat and intimidation are general in nature and are not supported by any cogent, specific or reliable material demonstrating deliberate violation of the conditions of bail. No substantial evidence has been brought on record to establish that the respondent No. 2 has, in fact, misused the liberty granted to him or has acted in a manner prejudicial to a fair trial.
10. It is well settled that cancellation of bail is a serious matter and cannot be ordered in a mechanical manner unless there is clear proof of misuse of liberty or violation of the conditions imposed. In the present case, the grounds urged by the applicant do not



disclose any such exceptional circumstances warranting interference with the bail order already granted.

11. Furthermore, the anticipatory bail granted can only be cancelled when (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety etc. It is also well settled that even if two views are possible, once the bail has been granted, it should not be cancelled. In facts of this case nowhere suggest that any of the aforesaid condition exists in the instance case, therefore, the principles laid down as above shall squarely apply in the instant case.
12. Considering the same and applying the aforesaid principles, in the considered view of this Court, no case is made out for cancellation of bail or review or recall the order and as such, this application seeking cancellation of bail granted to the respondent No 2, is hereby **rejected**.

Sd/-
(Ramesh Sinha)
Chief Justice